

REMARKS

Formal drawings are submitted herewith under separate Letter to the Official Draftsperson. Approval by the Examiner of these drawings is respectfully requested.

Claims 1-9 were rejected under 35 U.S.C. § 102(e) as being anticipated by Sternberg et al. (Sternberg) (US 6,763,148).

Claims 1 and 5 have been amended to more clearly set forth the invention. Claim 1 is believed to be representative of claim 5, the only other independent claim in this case, and so it will be discussed.

Before discussing the rejection, claim 1 will be briefly reviewed. A user is interested in image processing, which requires image scanning of a hard copy image for producing prints or storage of such image. After scanning a hard copy of an image provided by a user, the image is automatically analyzed independent of the user's intent to determine if there are features related to third party products that will be of interest to the user by recognizing features, which relate to such third party products. The features are selected from the group consisting of product trademarks, product trade dress, and other products, which are related to the third party products. Thereafter, the products are selected and product materials are sent to the user based on their likelihood of interest to the user.

It is an advantage of the present invention that it provides a third party advertiser or other purveyor of information to automatically have product information sent to a user based upon the user's images without the user's intervention. In other words, the claim calls for sending product information to a user without the user being involved in requesting such product information.

Sternberg et al. describe methods for converting an image into a compact form for comparison purposes. As best understood, the user takes an image of a subject, converts it to a digital form, and then converts the image into a compact form using Visual Key technology. Databases are then searched using this compacted form to determine if there are images that substantially match the

compacted form. An example is given by Sternberg et al. in column 57, line 65-column 58, line 7 wherein a user presents an object to a camera attached to the computer and submits the digital image of the object to the system for further information about the object. This is contrasted with the invention set forth in claim 1 wherein the user is not involved in determining if his image is of interest to a third party. Moreover, there is nothing in Sternberg et al. which discloses using features being selected from the group consisting of product trademarks, product trade dress, and other products, which are related to the third party products. Sternberg et al. have set forth a way to analyze a digital image. Digital images can be analyzed in a number of different ways, but which do not suggest the present invention. Assuming, for the sake of argument only, that Sternberg et al. could be adapted for use in analyzing the digital image, there is nothing in Sternberg et al. which suggests using the features discussed above to determine if third party product materials should be sent to the user. The user is not involved in that process. Turning to column 1, lines 12-15 of Sternberg et al., there is a general description that images can be identified using analysis that is, of course, known in the prior art. In column 16, lines 42-column 17, line 9, a general description of the Sternberg et al. process is described discussing Visual Key base technology. In column 13, lines 29-32, there is again a discussion of the Sternberg et al. streaming images, but no suggestion of the invention of claim 1. In column 17, line 10-30 of Sternberg et al. there is no discussion of product trademarks, product trade dress, and other products which are related to third party products.

It is believed that amended claims 1 and 5 clearly set forth new and unobvious methods that are not disclosed by Sternberg et al. The remaining claims either depend upon claim 1 or claim 5 and should be allowed along with their base claim.

It is believed that these changes now make the claims clear and definite and, if there are any problems with these changes, Applicants' attorney would appreciate a telephone call.

In view of the foregoing, it is believed none of the references, taken singly or in combination, disclose the claimed invention. Accordingly, this

application is believed to be in condition for allowance, the notice of which is respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Ray L. Owens', written over a horizontal line.

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Enclosure

If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.